

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, SEPTEMBER 6, 2001
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair
Bob Workman, Vice Chair
Larry Hudkins
Bernie Heier
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Ann Taylor, County Clerk's Office

The Staff Meeting was called to order at 8:18 a.m.

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, AUGUST 30, 2001

MOTION: Heier moved and Campbell seconded approval of the Staff Meeting minutes of August 30, 2001. Heier, Campbell and Workman voted aye. Stevens abstained. Hudkins was absent from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Land Use
- B. Beltway
- C. Microcomputer Request C#2001-271, \$828.70 from the Mental Health Center Budget for a Scanner and Visual Fox Pro 7 Software
- D. Change of Zone on Dairy Drive
- E. Report on Lincoln Partnership for Economic Development Meeting

MOTION: Heier moved and Workman seconded approval of the additions to the agenda. Heier, Workman, Stevens and Campbell voted aye. Hudkins was absent from voting. Motion carried.

3 LAPTOPS FOR COUNTY COMMISSIONERS - Doug Thomas,
Information Services Director

Doug Thomas, Information Services Director, said the City Council is now utilizing laptop computers and are receiving paperless agenda packets in the form of CD's. The CD's are searchable and include previous agendas and links to related documents. He said the laptops also provide access to e-mail and said wireless network connections afford the City Council members greater mobility. Thomas reported that the project cost \$15,000 - \$18,000, which included the laptops, scanners and software.

Hudkins arrived at 8:23 a.m.

Thomas said the supporting documents for items on the City Council's agenda are also being made available on the Internet website which makes for a more informed citizenry.

Campbell inquired about home connectivity.

Thomas said the City has provided the City Council members connection to the Internet at home which allows them to access documents either through the Internet website or the CD's.

In response to a request from Workman, Thomas agreed to research whether high speed internet connection would be available to County Commissioners living in the County.

Hudkins indicated a preference for paper copies.

Stevens said he would prefer paper copies of some documents.

Campbell recommended that the County Board delay a decision of whether to move to a paperless system until a vendor is selected for the County Clerk's new Records Management System.

The Board requested a demonstration of the CD's utilized by the City Council.

ADDITIONS TO THE AGENDA

A. Land Use

Heier said he has concerns related to the Board's approval on September 4, 2001 of County Special Permit 189 which gave the Christian Heritage Children's Home the authority to operate a philanthropic institution (health care facility) under the provisions of Article 13.001(3) of the Lancaster County Zoning Resolution on property at South 148th Street and Old Cheney Road. He suggested that further clarification of the term "group home" and the number of buildings allowable is needed.

Hudkins said he believes that special permits apply in some circumstances but said this exceeded the numbers and the type of facilities that the public understood were going to be allowed in the Lincoln City-Lancaster County Comprehensive Plan. He said a small manufacturing plant located on North 14th Street, which had neighborhood support, was not allowed to seek a special permit because the Planning Department determined that it did not comply with the Comprehensive Plan. Hudkins said the business relocated to Saunders County as a result.

Mike DeKalb, Planning Department, appeared and explained the difference between the generic term of "group home", the definition used by the Nebraska Department of Health and Human Services (HHS), and the definition in the Lancaster County Zoning Regulations. He noted that there is a provision in Lancaster County Zoning Regulations, Article 13.001(3), Special Permit for hospitals, clinics and institutions, including educational, religious and philanthropic institutions and said the Christian Heritage Children's Home application met this definition. DeKalb agreed that there is some confusion regarding definitions and said the County Attorney's Office has advised some "clean-up" of the language.

DeKalb said there is also a clear distinction between the Comprehensive Plan, which is a policy document, and the Lancaster County Zoning Regulations, which are the "teeth of the law". He indicated that there is no provision in the Zoning Regulations to allow an illegal business use to occur in the agricultural area and said the manufacturing plant had the option of seeking a change of zone.

MOTION: Hudkins moved and Stevens seconded to request the Planning Department to review the County Attorney's opinion and to bring back information for further discussion on group homes. Hudkins, Stevens, Heier, Workman and Campbell voted aye. Motion carried.

DeKalb said a revision of the Comprehensive Plan is being developed and may be followed by an update of the Zoning Regulations. He said if the Board has preferences on how the balance of the County and business and industry in the County should be handled, it should be part of that discussion.

MOTION: Hudkins moved and Heier seconded to ask the Planning Department to bring back a proposal to allow commercial/industrial zoning in agricultural zoned areas, by special permit, for County Board review.

The Chair said she will allow the motion because it is a request for information to be brought back to the Board and scheduled on an agenda.

Dave Johnson, Deputy County Attorney, cautioned the Board against taking formal action on items that have been added to the agenda. He said others may have wished to speak to the matter and may question why the item was not advertised.

The maker and seconder of the motion agreed to withdraw the motion.

MOTION: Hudkins moved and Heier seconded to reconsider the original motion.

The Chair suggested that the item be scheduled for discussion on the September 20, 2001 Staff Meeting agenda and said the Planning Department could bring forth information at that time.

ROLL CALL: Hudkins, Heier and Stevens voted aye. Workman and Campbell voted no. Motion carried.

MOTION: Hudkins moved and Heier seconded to amend the original motion to include a request to ask the Planning Department to bring back a proposal to allow commercial/industrial zoning in agricultural zoned areas, by special permit, for County Board review. Hudkins, Heier and Stevens voted aye. Workman and Campbell voted no. Motion carried.

ROLL CALL ON THE AMENDED MOTION: Hudkins, Heier and Stevens voted aye. Campbell and Workman voted no. Motion carried.

4 RURAL ADDRESS PROJECT UPDATE - Jim Langtry, County Engineer Geographic Information Systems (GIS) Mapping Division Head; Don Thomas, County Engineer; Mike DeKalb, Planning Department; Chuck Zimmerman, Building & Safety Department; Doug Emory, Postmaster; Rod Kehlenbech, United States Postal Service Address Management

Jim Langtry, County Engineer Geographic Information Systems (GIS) Mapping Division Head, gave an update on the Rural Address Project, noting the following:

- O Fieldwork will be completed in four to six weeks
- O 1,000 addresses have been added and 100 addresses have been changed in OASIS (computer assisted mass appraisal database) and 200 problem addresses have been identified

- O Information Services will help to develop a common database of addresses that departments and agencies will be able to access

Eagan said the United States Postal Service has agreed to notify customers of address changes and to guarantee them mail delivery for a certain period of time, regardless of whether the mail is addressed to the old or new address.

Don Thomas, County Engineer, displayed address marker samples and estimated the cost of a marker and post at \$30. He said his department is not prepared to assume responsibility for installing and maintaining markers.

Heier noted that Cass County has uniform address markers.

Thomas said Cass County paid for the banner style signs.

Hudkins said the County should look into whether Prison Industries could produce the signs.

Workman suggested requiring County residents to post their addresses on their mailboxes.

Chuck Zimmerman, Building & Safety Department, said requirements can be incorporated into the Building Code to require any new construction to post addressing on site.

Eagan said the Rural Address Committee has recommended that an individual be placed in charge of the address database and that a Users Committee be developed. He said interlocal agreements with the County's cities and villages may also be necessary as the regulations will impact their zoning jurisdictions.

Mike DeKalb, Planning Department, said LB 366 (changed provisions relating to zoning by county boards and nonfarm buildings) allows the County to apply zoning regulations and permit requirements to nonfarm buildings used as residences but said enabling language is also needed in the Lancaster County Zoning Regulations and Lincoln Municipal Code (see Exhibit A for LB 366; Lancaster County Zoning Regulations, Article 3(6), Districts and Boundaries; and Lincoln Municipal Code, Chapter 18.04.010).

Zimmerman said imposing building permit standards and zoning requirements in the County may have other ramifications, such as situations where there is insufficient frontage.

5 PENSION UPDATE - Larry Eckel and Joyce Hall, Nationwide Retirement Solutions

Joyce Hall and Larry Eckel, Nationwide Retirement Solutions, reviewed the following documents:

- O Tax Law Changes, what you should know about the Economic Growth and Tax Relief Reconciliation Act of 2001 (Exhibit B)*
- O Lancaster County Pension Plan Current Pricing (Exhibit C)*
- O Returns through June 30, 2001 (Exhibit D)*
- O The Best of America Retirement Advisor, Group Variable Annuity Contract Series Performance Summary, Period Ending 06/29/2001, Performance results of funds approximate the percentage of change in net assets with capital gains and income dividends reinvested (Exhibit E)*

Eckel said eight funds that were not performing well were restricted in May, 2001 and employees investing in these funds were given the option of moving their investment or being mapped to another fund with similar strategies. He said ten funds were added, four of which were index funds.

- O Nationwide Investor Destinations Funds (Exhibit F)*

Eckel said the five investment portfolios are made up of six different classes of funds and are designed to make it easier to invest.

- O Deferred Compensation Program, The Power of Asset Allocation (Exhibit G)*

Eckel said the questionnaire assists in developing an investment profile.

Workman requested a breakdown of total fees.

- O Pension reform law ups deferral limit to \$11,000 next year (Exhibit H)*

6 EAST VAN DORN STREET GRADING PROJECT BETWEEN 112TH & 120TH STREETS - Don Thomas, County Engineer

Campbell noted receipt of a letter from Don Thomas, County Engineer, (see Page 13 of the agenda packet) in which he explained that there are two options (1) an extended shift starting at 114th Street or (2) a single shift at 120th Street, putting the road back on sectionline going west from the end of the shift. Thomas recommended proceeding with Option 1. Campbell also noted receipt of letters from Dwight Ohs, Jack and Rosemary Wagener, and Dr. O. R. Hayes.

Jeanette Volker, 12100 Van Dorn Street, appeared and said County Engineering has explained that to go on the west side of 120th Street and take the trees on that side would require 120th Street to be moved 12 to 15 feet to the west, would incur additional acquisition costs on Dwight Ohs' property and would take some of the Ohs' trees as well. She said she and her husband are willing to consider moving their home if it would save costs and trees.

In response to a question from Stevens, Dwight Ohs, 8141 Dorset Drive, said the rural water line terminates at 120th and Van Dorn Streets, on the southwest corner of the intersection.

Hudkins asked whether affected property owners would prefer a center line approach.

Jack Wagener, 11740 Van Dorn Street, appeared and said all of the property owners are interested in preserving the trees and said there will be an equal amount of trees taken no matter where the road goes. He said he supports the County Engineer's plan because it has been engineered from a safety standpoint.

Thomas confirmed that the number of affected trees is approximately the same whichever alignment is selected.

Hudkins asked Thomas to speak to the safety aspect.

Thomas said "It will be as safe either way."

Ohs said if the Volker's house were moved over 20 feet the road could continue straight and all of the trees on one side of 120th and Van Dorn Streets would not have to be sacrificed.

Hudkins requested information on whether there is sufficient setback to move the house.

Volker said the cost of moving the house was estimated at \$65,000, three years ago.

Thomas noted that the appraisal for the entire project is approximately \$115,000.

MOTION: Hudkins moved and Stevens seconded to ask the County Engineer to bring back more information on the rural water line and to reassess the feasibility of the center line alignment, including an estimate of the number of trees that would be taken.

Campbell said consideration should also be given to the likelihood that additional trees will die off as a result of the construction work.

ROLL CALL: Hudkins, Stevens, Heier, Workman and Campbell voted aye. Motion carried.

7 EXECUTIVE SESSION - Doug Cyr, Deputy County Attorney

MOTION: Hudkins moved and Stevens seconded to enter Executive Session at 10:47 a.m. for discussion of pending and potential litigation. Hudkins, Stevens, Heier, Workman and Campbell voted aye. Motion carried.

MOTION: Stevens moved and Heier seconded to exit Executive Session at 11:29 a.m. Stevens, Workman, Heier, Hudkins and Campbell voted aye. Motion carried.

The Chair exited the meeting at 11:30 a.m. and the Vice Chair assumed the meeting.

The Chair returned to the meeting at 11:37 a.m.

8 SALARIES FOR UNCLASSIFIED EMPLOYEES; DIRECTOR POSITION DESCRIPTIONS - Georgia Glass, Personnel Director; John Cripe, Classification and Pay Manager

Director Position Descriptions

Board consensus was to give Sheryl Schrepf, Juvenile Mental Health Director, a 2.5% increase.

The Chair exited the meeting at 11:41 a.m.

The Chair returned to the meeting at 11:45 a.m.

John Cripe, Classification and Pay Manager, reviewed *Directors Salary Information, 2001-2002* (Exhibit I).

Board consensus was to give the directors salary increases of 5%, with the following exceptions:

Dennis Banks, Lancaster County Juvenile Detention Center Director - \$69,585 (6.96% increase)

Michelle Schindler, Lancaster County Juvenile Detention Center Deputy Director - \$59,136 (11.26% increase)

Gary Chalupa, Veterans Service Officer - \$48,300 (9.77% increase)

Don Killeen, County Property Manager - \$84,420 (5.5% increase)

Salaries for Unclassified Employees

Board consensus was to approve a 4% increase for the psychiatrists.

The Board requested additional clarification on the Work Release Coordinator position.

9 ACTION ITEMS

- A. Renewal Application for Professional Liability Insurance with National Legal Aid and Defender Association (NLADA)

MOTION: Workman moved and Stevens seconded approval of the renewal application for professional liability insurance with funding through the Public Defender's budget. Workman, Stevens, Hudkins, Heier and Campbell voted aye. Motion carried.

- B. Set Dates for Work Sessions on Community Mental Health Center and Region V

Item held.

ADDITIONS TO THE AGENDA

Returning to Item A

Heier said he hopes the Planning Department will fully explain the potential consequences to those property owners that are signing off on conservation easements for saline wetlands.

- B. Beltway

Board consensus was to schedule discussion with the Planning Department, City Engineer and Jim Linderholm, HWS Consulting Group, Inc.

- C. Microcomputer Request C#2001-271, \$828.70 from the Mental Health Center Budget for a Scanner and Visual Fox Pro 7 Software

MOTION: Hudkins moved and Heier seconded approval. Heier, Hudkins, Workman, Stevens and Campbell voted aye. Motion carried.

- D. Change of Zone on Dairy Drive

Eagan said Lincoln Mattress would like the County to pay \$290 for a petition to amend the zoning on Dairy Drive that it needs in order to proceed with a building expansion project. He explained that Lincoln Mattress received the vacated right-of-way on Dairy Drive, at no cost, in exchange for 30 feet on Radcliff Street that the County needed for the new Lancaster County Juvenile Detention Center. Don Killeen, County Property Manager, has estimated the value of the vacated right-of-way at \$3,000 - \$4,000. Eagan recommended that Lincoln Mattress pay the expense and submit a letter to the County asking for reimbursement. The County could then seek a legal opinion as to whether it could legally do so.

E. Report on Lincoln Partnership for Economic Development Meeting

Campbell said a report on Workforce Development was given, covering topics such as the Workforce Connection tours for students, business development, lincolnjobs.com website and MBA internships through the University of Nebraska.

10 ADMINISTRATIVE OFFICER REPORT

A. County Board Policies Regarding Director Vacations, Employee Communications and Submission of Grants

Director Vacations

Gwen Thorpe, Deputy Chief Administrative Officer, reviewed a draft of *Director Vacation Policy* (see Page 49 of the agenda packet). She said Diane Staab, Deputy County Attorney, is also in the process of drafting a *Travel Reimbursement and Miscellaneous Expenditure Policy*.

Board consensus was to hold this item until the other draft is completed.

Employee Communications

Thorpe reviewed a draft of *Employee Communications Policy* (see Page 50 of the agenda packet).

In response to a question from Hudkins, Thorpe said two lines of code can be placed on the front of employee paychecks.

The Board requested additional information on the cost and procedure to place information on the employee paychecks.

There were no changes to the draft.

Submission of Grants

Thorpe reviewed *Grant Submittal Policy, Lancaster County Board of Commissioners* (Exhibit J). She said Cathy Marsh, County Grants Coordinator, has suggested inclusion of the following:

- Indicate the length of the grant
- Indicate whether it is an overlapping or continuation grant

Board consensus was to add the following:

- Indicate whether matching funds required
- Indicate any future commitment

Eagan said all grants need to be coordinated through the County Grants Coordinator, regardless of whether matching funds are involved.

Dave Johnson, Deputy County Attorney, suggested that the third sentence in the first paragraph be amended to read:

All grant applications also require formal approval of the County Board, with the accompanying signature of the authorized representative of the County Board.

The Board asked Thorpe to revise the document and bring it back for Board review.

B. Submission of Legal Opinion Request Regarding Returning a Parcel to Greenbelt Status

Bruce Medcalf, County Clerk, said a legal opinion is no longer required.

C. National Institute of Corrections Trip to Prince Georges County, Maryland - Workman, Stevens

Workman and Stevens reported that they visited a pre-trial program and said judges are given the option of setting bond or remanding the defendants to supervised release, at no cost to the defendants. They said it costs \$10.60 per day for the supervised release compared to \$60 per day to house a defendant in Corrections. A reduction in the failure to appear rate was also reported.

Workman and Stevens also reported on a visit to a privately operated, not-for-profit Driving Under the Influence (DUI) treatment facility, noting the funding for those unable to pay comes from tobacco settlement funds.

D. Update on Juvenile Detention Facility

Eagan said it is doubtful that construction will be substantially complete by the target date of October 8, 2001, however the occupancy date is still projected to be January 11, 2002.

11 DISCUSSION OF BOARD MEMBER MEETINGS

A. Ecological Advisory Committee - Heier

Heier said the Ecological Advisory Committee has endorsed the *Greenprint Challenge* and is sending recommendations to the Board.

B. Region V - Heier

Heier said the Request for Proposals (RFP's) for tobacco settlement funded programs were evaluated.

Campbell said she was notified that the Region V Governing Board plans to make decisions on the RFP's in Executive Session at the September 10, 2001 meeting. She said this is a concern because public funds are involved. Campbell said Region V has indicated that it has received a legal opinion that discussion of the RFP's should take place in Executive Session because the numerical scoring cannot be made public.

Heier said Stevens will be attending the meeting in his place.

The Board asked Campbell to join Stevens.

Eagan suggested that Campbell and Stevens seek advise from the County Attorney's Office prior to the meeting.

12 EMERGENCY ITEMS AND OTHER BUSINESS

A. Public Building Commission

Hudkins and Campbell reported that the Lincoln Police Department and Sheriff's Office have agreed to relinquish some of their parking spaces on "H" Street if parking underneath the County/City Building and Corrections facility is gated for security.

B. Monthly Meeting with the Mayor

Board members suggested the following items for discussion:

1. Community Learning Concept
2. Planning Commission
3. Sports tournaments
4. Event Center
5. Timing and announcement of construction of a building in the east parking lot

13 ADJOURNMENT

MOTION: Heier moved and Hudkins seconded to adjourn the meeting at 1:27 p.m. Heier, Hudkins, Workman, Stevens and Campbell voted aye. Motion carried.

Bruce Medcalf
County Clerk